**Remarks/Arguments**

Applicant provisionally elects, with traverse, Group I (claims 1-4, 18-22), drawn to a cross-reactive antibody which specifically inhibits or blocks mammalian TLR2-mediated immune cell activation. Reconsideration of the restriction requirement is requested.

The Examiner alleges that the claims are not directed to a single, general inventive concept pursuant to the provisions of PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features. The present application represents the U.S. national stage of a PCT application, as filed under 35 U.S.C. § 371. MPEP § 1893.03 states that prosecution of an international application which enters the national stage in the U.S. under 35 U.S.C. § 371(c) "proceeds in the same manner as for a domestic application with the exceptions that ...(B) unity of invention proceeds as under 37 C.F.R. § 1.475," which is governed by PCT Rule 13.

Unity of invention under PCT Rule 13 is satisfied when there is a technical relationship among those inventions defined by the claims which involves "one or more of the same or corresponding special technical features." This unifying special technical feature is that which defines a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. PCT Rule 13.2 and the PCT Administrative Instructions, Annex B, Part 1(b).

With regard to the present invention, the special technical feature is the provision of a cross-reactive antibody. The Examiner cites Espevik et al. (WO 01/36488) and alleges that that document teaches an anti-TLR2 antibody that cross reacts with human and murine TLR2. In this regard, the examiner is correct in that Espevik asserts that a cross-reactive antibody against TLR2 has been isolated (page 7, line 4 to page 8, line 9). However, as discussed on page 3, second paragraph of the instant application, it is emphasized that the inventors of the instant application conducted research work and tested the only antibody actually described in Espevik et al., i.e. the TL2.1 monoclonal antibody. The results of this testing indicated that the TL2.1 monoclonal antibody was *not* cross-reactive between different mammalian species. Therefore, it can be concluded that Espevik does not contain an enabling disclosure regarding a cross-reactive anti-TLR2 antibody as recited in claim 1.

It is therefore respectfully submitted that the technical feature which underpins and links the inventions of Groups I-V is an anti-TLR2 antibody which is cross-reactive to TLR2 that is expressed on different cell types. Such a technical feature is not disclosed in the cited

art, and accordingly the provisions of PCT Rule 13.2 are met, as the present invention as claimed provides a distinct contribution over the art.

Because all claims of Groups I-V have the same special technical feature, all pending claims have unity of invention. Applicant requests that the Group I-V claims be rejoined for examination on the merits.

Applicant notes the comments of the Examiner under section 4 of the Office Action in relation to rejoinder of the claims of Groups III and IV. In its present form, claim 23 contains all of the limitations of claim 1.

In the alternative, applicant respectfully submits that at least claim 5 should be considered along with the claims of Group I, rather than in Group II as currently classified. As stated above, MPEP § 1893.03 states that prosecution of an international application which enters the national stage in the U.S. under 35 U.S.C. § 371(c) "proceeds in the same manner as for a domestic application with the exceptions that . . . (B) unity of invention proceeds as under 37 C.F.R. § 1.475," which is governed by PCT Rule 13.

For unity of invention to be established under PCT Rule 13.2, those inventions must share the same or a corresponding technical feature that defines a contribution over the art. It is submitted that claim 5 exhibits the same "special technical feature" as the claims of Group I, and therefore meets the unity requirements of Group I when the provisions of PCT Rule 13 are applied. Because the isolated nucleic acid of claim 5 encodes the antibody protein of claim 1, the isolated nucleic acid of claim 5 and the antibody of claim 1 share a corresponding technical feature and therefore have unity, *a priori*.

For the forgoing reasons, reconsideration of the restriction requirement is respectfully requested.

**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to call the undersigned attorney/agent as needed to advance prosecution of this case.

Respectfully submitted,

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